IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.7165 OF 2004

Kotilingam Chandraya Petitioner
vs.
Western India Spinning &
Manufacturing Mills (MSTC) & Anr. Respondents

Ms.Mamta Sinha & Shri U.D.Bhatt for the petitioner.

CORAM : B.H. MARLAPALLE,J.

DATED : 29th September 2005

P.C.

The impugned order dated 28.1.2002 is passed by the Controlling Authority under Section 17(4) of the Pay of Gratuity Act, 1974. The said order is appealable under Section 7(7) of the said Act and the procedure for appeal has been set out in Rule 18 of the Payment of Gratuity (Central) Rules, 1972. There is also a provision for condonation of delay in case the appeal is filed beyond the period of 60 days.

2. As the statutory remedy of appeal is available against the impugned order, this petition cannot be entertained. Hence, the same is rejected as not maintainable.

(B.H.MARLAPALLE,J.)